Reply under 37CFR §1.116 - Expedited Procedure - Tech Center 2100

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PART III. REMARKS

MAY 3 0 2007

§ III.1 AMENDMENTS TO CLAIMS

- 4. In Applicant's previous REPLY/Amendment Paper filed 30 March 2007 in response to the first Office Action, Claims 1-60, 64-67, and 69-80 were cancelled, and Claims 61-63, 68, and 81-89 were presented for prosecution. In the Final Office Action dated 26 April 2007, Claims 61-63, 68, and 81-89 were all finally rejected by the Examiners. In the Present Amendment Paper, Claims 61, 82, 85, 87 and 88 are amended.
- 5. The amendments herein (especially to Claims 88) after the final rejections are necessary, because before the final Office Action, Applicant was not given an opportunity to "develop clear issue" with the Examiner, and was not given a "full hearing". During the telephone interview conducted on 29 March 2007, which was before Applicant's REPLY to the first Office Action, with respect to the amendments proposed by Applicant during the Interview, the Supervisory Examiner agreed that, "Proposed amendments seem on the surface to overcome the [35 USC] 102 Deleeuw rejections". See the Examiners' "Interview Summary" filed 04/04/2007, and Applicant's "STATEMENT OF SUBSTANCE OF INTERVIEW" filed 29 March 2007. As a result thereof, Applicant did not consider it necessary to include more claim limitation (especially to Claims 88) to further distinguish the claimed invention from DELEEUW.
- 6. However, in the Final Office Action, all the presented claims, which were amended / rewritten according to the outcomes of the telephone interview on 29 March 2007, were again rejected by the Examiners on the same grounds.
- 7. Therefore, there exists good and sufficient reason why the amendments herein are necessary and were not earlier presented. 37 C.F.R. §1.116(b)(3). See also MPEP § 706.07 ("Before final rejection is in order a clear issue should be developed between the examiner and applicant.")
- 8. The proposed amendments to Claims 61, 82, 85, and 87 are for the purpose of presenting these rejected claims in better form for consideration on appeal. 37 C.F.R. §1.116(b)(2). The

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amended claims are directed to substantially the same subject matter. Thus, if the Examiners maintain that no allowable subject matter can be found therein, in the ensuing action, the Examiners may apply the same rejections set forth in the Final Office Action dated 26 April 2007.

§ III.2 AFFIDAVIT / DOCUMENTARY EVIDENCES

- 9. The Affidavit / Documentary Evidences herein are necessary to support Applicant's arguments traversing the Examiners' rejections. There is good and sufficient reason why such Affidavit / Documentary Evidences are necessary and were not earlier presented. 37 C.F.R. §1.116(e). As set forth above, during the telephone interview on 29 March 2007, with respect to the amendments proposed by Applicant during the Interview, the Supervisory Examiner agreed that, "Proposed amendments seem on the surface to overcome the [35 USC] 102 Deleeuw rejections". See the Examiners' "Interview Summary" filed 04/04/2007 and Applicant's "STATEMENT OF SUBSTANCE OF INTERVIEW" filed 29 March 2007. As a result thereof, Applicant did not consider it necessary to submit any Affidavit / Documentary Evidences in support of Applicant's traverses of the Examiners' rejections. However, in the Final Office Action, all the presented claims, which were amended / rewritten according to the outcomes of the telephone interview on 29 March 2007, were again rejected by the Examiners on the same grounds.
- 10. Thus, again, Applicant was not given a "full and fair hearing" and an opportunity to develop clear issues before filing the REPLY to the first Office Action. See MPEP § 706.07.

Respectfully Submitted

SIGNED ON: __30 May 2007

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Manufactured in the United States of America

thyroid cartilage / Ticknor

-1961). U.S. humorist e collected in My Life nival (1945). censor (see). [Middle om Latin I(h)thribulum,

eek thuos, (sacrificial) colyte, who carries a ncense bearing": thus

of Germany, south of a number of former Il it passed into the 1 was abolished as an adj. & n.

cek. [Middle English enced by Old Norse enced by Old Norse 'esdag, "Thor's day" 'esdæg, "Thor's day"; day"): thunres, geni-

lē) (for sense 1). 1. In this manner. 2. To a refore; consequently.

iwacks. To strike or

whack. [Imitative:)

warts. 1. To prevent 2. To challenge, op

amething; transverse e. Said of winds and

glish thwert, athwar of Unverr, transverse.]

of the pronoun the ry, or reception of an "He sees his brood hy, thin, Old English

ial, Thylocinus cyni ark transverse bands New Latin thylaci-

or low shrubs of the sem Europe, having vme, used as season th thym, from Latin

ocrament; for exam thumos, soul, spirit

hymus ucleoside consisting + -ID(P) + -INE.

ine, aromatic c thyme oil and other id as a preservative.

ucture, situated just arly childhood plays producing lymph cture corresponding Latin, from Greek

efilled tube have is initiated but no : device is used as a emark, from Greek

luctor rectifier, such of current is initia It is the solid state COMPONE. Calcitonin

iyroid gland or the

age. 3. A dried and tain domestic anilitions, such as cro from thureat, door thyroid cartilage n. The largest cartilage of the larynx, having two broad processes that join in front to form the Adam's apple. Also called "thyroid."

thyrold colloid n. Physiology. Colloid (sec).
thyrold-ec-to-my (th?foi-dik/to-me) n., pl. -mies. The surgical removal of all or part of the thyroid gland.
thyrold gland n. A two-lobed endocrine gland found in all vertebrates, located in front of and on either side of the trachea in humany and accelerate the hospone thyroxin. Also called "thyroid" mans, and producing the hormone thyroxin. Also called "thyroid." thy-rold-tie (thi roi-di'ts) n. Inflammation of the thyroid gland, thyroid silmulating hormone n. Abbr. TSH Thyrotropin [see]. thy-ro-tox+co-sis (thi ro-tok'si-ko'sis) n. The condition resulting from excessive production of thyroid hormone, characterized by

weight loss, increased appetite, tremor, palpitations, anxiety, and intolerance of heat. [New Latin: THYRO(ID) + TOXICOSIS.] thy-ro-tro-pin (thil'ro-tro'pin) n. Also thy-ro-tro-phin (-fin). A hormone secreted by the anterior pituitary that stimulates and regulates the development and secretion of the thyroid gland hormone. Also called "thyroid stimulating hormone." [THYRO(ID) + -TROP(E) + -TN.]

#-IN.]

thy-rox-in (thi-rôk/sin) n. Also thy-rox-ine (-sên', -sin). An iodinecontaining hormone, C₁₅H₁₁LNO₄, produced by the thyroid gland
to regulate metabolism and made synthetically for treatment of
underactivity of the thyroid gland, [THYR(OID) + OX(Y) + 1N.]

thyree (thôrs) n. Botany. A branched flower cluster, as of the lilac,
there are the third thyree the second tempinate in a flower. New Latin thyrwhose main axis does not terminate in a flower. New Latin ther-

sus, THYRSUS.] — thyr-sold ((h)dr/sold') add; thyr-sus (thûr/sold') add; thyr-sus (thûr/sold) add; thyr-sus (thûr/sold) add; thyr-sus (thûr/sold) add twined with ivy, represented as carried by Dionysus and his devotees. [New Latin, from Latin, from Greek thursort.] thy-self (thi-self') pron. Archaic & Poetic. Yourself. Used us the reliktive or emphatic form of thee or thou.

THz terahertz

it (te) n. Music. A syllable representing the seventh tone of the diatonic scale in solmization. [Alteration of st, short for Latin Sancte Inhanner, "Saint John," from a stanza sung in a hymn to St. John the Baptist. See gamut.]

ilan. Any of several trees or shrubs of the genus Cordyline, of tropical Asia and adjacent Pacific regions; especially, C. mistralls, of New Zealand, having a terminal tuft of long, narrow palmlike leaves. [Tahitian and Maori.]

Il The symbol for the element titanium.

IT The symbol for the element titanium. It-a-htua-na-co (te's-wo-na'kō). Ruins near the southeastern end of Lake Titicaea, western Bolivia. The Tiahuanaeo culture preceded lihat of the Incas, flourishing from c. A.D. 1000 to 1500, and spread through Bolivia, northern Chile, and Peru. Itan-In (tyan'Jin'). Formerty Tien-tsin (tin'tsin'). Port in Heber province, northeastern China, lying at the confluence of the Hai River and the Orand Canal. It is an important industrial center. Ilan Shan, Tien Shan (tyan' shan'). Mountain chain of central Asia, extending from the Pamirs in Tadzhik S.S.R., U.S.S.R., through northwestern China to the China-Mongolia border. Saria (tō-ār'2, -4r'3, -ār'3) n. 1. An ornamental semicircular headpiece, made of precious metal and often decorated with jewels, worn by women on formal occasions. 2. The triple crown worn by the pope. [Latin tiān, from Greek tlara(s)†.]

he pope. [Latin tiarn, from Greek tiara(s)†.]

theor (11-bor), Italian Te-were (14/V4-18). River of central Italy. It itses in the Tuscan Apennines and flows a 406 kilometers (252 miles) through Rome to the Tyrrhenian Sea at Ostia. liberias, See of. See Galliee, See of.

Hoerias, See of. See seninee, See of. 1458-14. [Hoberlaus (H-bir-fe-2s) (42 B.C.-A.D. 37). Roman emperor (A.D. 14-37). An accomplished general, he was made heir to the throne by Augustus in A.D. 4 and was proclaimed emperor upon the death of Augustus in A.D. 14. His reign was marked by suspicion and the

Cocution of several aides, senators, and relatives.

Liber (II-ber). Chinese XI-zang (shed'zang). Autonomous region of China, occupying a high plateau in the southwestern extremity of the country to the north and west of the Himalayas. Apart from the definite valley of the Tsangpo, in southern Tibet, most of the land is smithable only for grazing. Tibet has rich reserves of salt, gold, tadio-active, ores, and copper. It rose to prominence as an independent shingdom in the 7th century. From the 13th to the 18th century it is smithable only for grazing. Tax under the sway of the Mongols. In 1720 the Manchu dynasty of China took control of the region, and thereafter China exercised more or less effective suzerainty over it until 1951, when Tibet was formally made an autonomous region of China. It is a center of Camaist Buddhism, but the Dalai Lama and thousands of followers

Hedithe country in 1954. Its capital is Lhasa.
Their (ti-bet'n) adj. Of or pertaining to Tihet, its people, or their language or culture.

1: A member of the Mongoloid people of Tihet. 2. The libeto-Burman language of Tiber.

iBerto-Bur-man (I-berto-burman) n. Also Ti-beto-Bur-mese (Bor-mèz', -ruès'). A branch of the Sino-Tibetan language family that principally includes Tibetan, Burmesc, Lolo, and Balti. —Ti-betan, Burmesc, Lolo, and Balti.

Deto-Burman, Ti-beto-Burmese adj.

Whita (lib'e-a) n. pl. -lae (-e-2') or -las. 1. a. The inner and larger of the lower human leg from the knee to the ankle.

Also called "shim," "shinbone." b. A homologous bone in animals.

The fourth division of an insect's leg, between the fomur and the larger of the called "shim," and the called "shim," a arsi: 3. A kind of ancient flute originally made from an animal's The bone. [Latin tibiat, shinbone, pipe.] —the al adi.

Thoulius (1a-būl'as), Albius (c. \$4-18 p.c.). Roman elegisc poet.

Primarily concerned with his poetry and tural living, he remained distant from the political complexities that involved his contemporaries Horace and Ovid. In the two volumes attributed to him, he laments the passing of two mistresses and a young friend, Mara-

tic (tik) n. 1. A habitual spasmodic muscular contraction, usually of the face or extremities. 2. Tic douloureux. [French, originally a veterinary term (perhaps imitative).

tic dou-lou-reux (doo'ls-rob', -rob') n. Trigeminal neuralgie (see) [French, "painfal tie."]

tick! (IIk) n. 1. The recurring sharp, clicking sound made by a machine, especially by a clock. 2. British Informal. A moment. 3. A mark used to call attention to an item or indicate that it has been

fare. The clock was sicking away the hours. 2. To mark (a sum, for example) with a tick.—lick oft. 1. Slang. To make angry; annoy. 2. Chiefly British Informal. To scold or rebuke. [Middle English tek noun; perhaps instantive); verb, 16th century, of Germanic origin.] tlek'n. 1. Any of numerous bloodsucking parastic machinists of the families Ixodidae and Argasidae within the order Acarina, many of which transmit infectious diseases. 2. Any of various usually wingless, louselike insects of the family Hippohoscidae, which are parasitic or the sitic on sheep, goats, and other animals. [Middle English tyke, teke, Old English ricca (unattested).]

tick? n. 1. The cloth case of a mattress or pillow. 2. Ticking. [Mid-dle English tikke, perhaps from Middle Dutch teke, from West Germanic teka (unattested), from Latin theca, cover, case, from Greek

ticks n. British Informal. Credit; trust: on tick. [Short for ticker.]

tick bird n. The oxpecker (see). tick-borne (tik/born', -born') adj. Transmitted by ticks. Said of diseases such as typhus.

tlick-or (tik'or) n. 1. a. A telegraphic instrument that receives and records stock-market quotations on a paper tape. b. Any of various devices that record similar information by electronic means. 2. Slang. A watch. 3. Slang. The heart.

ticker tape n. The paper strip on which a telegraphic ticker prints, tick-er-tape parade (tlk'ar-tap') n. A traditional hero's welcome, especially in New York City, in which ticker tape and shredded

paper are thrown from buildings as the celebrity parades by. the the transport of the trans b. One entitling its holder to admission, as to a place of entertainment or a lecture: a theater ticket. 2. A card or piece of paper enabling property, especially articles of clothing, to be identified and reclaimed by the owner: a dry-cleaning ticket; a checknown ticket. 3. A certifying document; especially, a captain's or pilet's licerse. 4. An identifying or descriptive tag attached to an item to give information such as price; label. 5. A list of candidates proposed or endorsed by a political party. 6. A parking ticket (see), 7. Informal. The proper thing: A change of scene would be just the ticket for her. 8. A way of obtaining something sought or desired: Study and practice are the ticket to a successful concert career. ~tr.v. licketed, onling, ets. 1. To provide with a ticket for admission or passage. 2. To attach a tag to; label. 3. To designate for a specified use or end; destine. 4. a. To serve (a violator) with a parking ticket. b. To place a parking ticket on (a motor vehicle). [Obsolete French etiquet, ticket, label, from Old French estiquer(te), from estiquier, to stick, from Middle Dutch steken.] and reclaimed by the owner: a dry-cleaning ticket; a checkro

ticket agency n. An agency that sells tickets for theatrical and other performances and for transportation. —ticket agent n. other performances and in consequences.

these office in An office, as in a theater or railrond station, where reservations can be made and tickets can be bought.

ticket scalper n. A profiteer who buys up desirable admission tickets for popular events and resells them at inflated prices.

tick fever n. A (cbrile infectious disease transmitted by ticks.

tlck-ing (tik'ing) n. A strong, rightly woven fabric of cotton or linen used especially to make mattress or pillow coverings. Also called "tick."

tick-ing-off (tik ing-off, -off) n. Chiefly British Informal. A rebuke; a

tick-le (tik'ai) r. -led, -ling, -les. -(r. 1. To touch (the body) lightly uck-e (0k's): 1. ded,-ling, les. —tr. 1. To touch (the body) lightly so as to provoke a tingling sensation causing laughter or twitching movements. 2. a. To tease or excite pleasurably; titillate. b. To fill with mirth or pleasure; delight. —intr. To feel or cause a tingling sensation. —tlekte pink. Informat. To please; delight. Usually used in the passive: She was tickled pink by the gift. —n. 1. The act of tickling. 2. A tickling sensation. [Middle English tikelen, probably from tiken tickent, to touch lightly.] tick-ler (10k'lor) n. 1. One that tickles. 2. A memorandum book or file to aid the memory. 3. Chiefly British Informat. A difficult problem.

tick-lish (tik lish) adj. 1. Sensitive to tickling. 2. Requiring skillful or lactur handling; delicate. 3. Easily offended or upset; touchy, —lick-lish-ly adv. —-tick-fish-ness n. Tick-nor (tik'nor, -nôr'). George (1791–1871). U.S. language instructor and author. As the first Smith Professor of French and Spanish at Harvard (1819–35), he effectively reorganized the Instructor and author. As the first Smith Professor of French and Spanish at Harvard (1819–35), he effectively reorganized the Instructor (1819–1819, 1790 (1819–1819).

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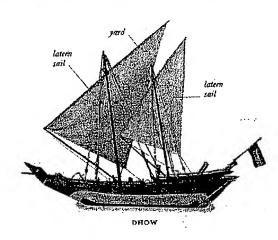
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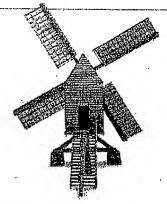
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OXFORD DICTIONARY





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tick

tick? /tik/ n. Brit caling, credit (lary goods on tick). tick4 /tik/ v. I the cover of a mattress or pillow. 2 = TICKING.

tick-er /tikar/ n. collog. 1 the heart. 2 a watch. 3 a machine that receives and prints telegraphed messages onto paper tape.

tick er tape n. 1 a paper strip from a ticker. 2 this or similar material thrown from windows, etc., along the route of a parade honoring a hero, etc. tick-et /tikit/ n. & v on I a written or printed piece of paper or card entitling the holder to enter a place, participate in an event, travel by public transport, use a public amenity etc. 2 an official notification of a traffic offense, etc. (parking ticket).

3 Briz. a certificate of discharge from the army. 4 a certificate of qualification as a ship's master, ship or airplane pilot, etc. 5 a label attached to a thing and giving its price or other details, 6 a list of candidates put forward by one group, esp. a political party. 7 (prec. by the) colleg, what is correct or needed. . at: (ticketed, ticketing) attach or serve a ticket in un tick-et-ed adj. tick-et-less adj.

ticking /fiking/ n. a stout usn. striped material used to cover mattresses, etc.

tick-le /tikal/ a & n. a 1 a n. apply light touches or strokes in (a person or part of a person's body) so as to excite the nerves and usu, produce laughter and spasmodic movement. b into feel this sensation (my foot nickles). 2 tr. excite agreeably; amuse or divers (a person, a sense of humor, vanity, etc.) (was tickled at the idea; this will tickle your foncy), . n. I an act of tickling. 2 a tickling sunsation. a tickled pink (or to death) calleg, extremely amused or pleased. DO tick-ler n. tick-ly ad.

tick lish / tiklish / adj. I sensitive to tickling. 2 (of a matter or person to be dealt with) difficult; requiring careful handling un tick-lish-ly adv ticklish-ness n.

tick-tack-toe n. (also tic-tac-toe) a game in which players alternate times, seeking to complete a series of three Xs or Os marked in a nine-square grid.

ticky-tacky /tikectákne/ n. & adj. collag. • n. inie rior or cheap material, esp. as used in suburban buildings. • adj. (esp. of a building or howing development) made of inferior material; cheap or in poor taste.

tid al /tid'l/ adj. relating to, like, or affected by tides (tidal basin; tidal river). UD tidal ly ada.

tidal bore n. a large wave or bore caused by constriction of the spring tide as it enters a long narmw shallow inict.

tidal wave n. 1 = isimout, 2 a widespread manifestation of feeling, etc.

tid bit /tidbit/ n. (Bnt. titbit /tit-/) 1 a small morsel. 2 a choice item of news, etc.

tid-dler /tidlar/ n. Brit colleg. 1 a small fish, esp. a stickleback or minnow. 2 an unusually small thing or person.

tid dly1/tidlec/ adj. (tiddlier, tiddliest) esp. Brit. collog, slightly drunk.

tid-dly? /tidlee/ adj. (tiddlier, tiddliest) Brit. colleg. little.

tide /tid/ n. 1 a A the periodic rise and fall of the sea due to the attraction of the Moon and Sun (see EBH n. 1, FLOOR n. 3). b the water as affected by this. 2 a time or season (usu, in comb. Whitsunide). 3 a marked trend of opinion, fortune, or events, a tide over enable or help (a person) to deal with an awkward situation, difficult period, etc. (the mongrivill tide me over until Fridgy). DD tide-less odj.

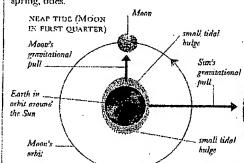
tide-land /tidland/ n. I land that is submerged at high tide. 2 laud below the low-water mark but within a nation's territorial waters.

tide-mark /tidmaark/ n. 1 a mark made by the tide at esp, high water. 2 esp. Brit. a a mark left round a bathruh at the level of the water in it. b a line on a person's body, garment, etc., marking the extent to which it has been washed

tide-water /tidwawtor, -wntor/ n. 1 water brought

TIDE

The gravitational pull of the Moon and, to a lesser degree, that of the Sun cause the tides. The pull is strongest on the side of the Earth facing the Moon, causing the oceans on that side to bulge out. The pull affects the solid Earth slightly icss, but still enough to cause it to pull away from the ocean on the other side, creating a second ocean bulge. As the Earth rotates, each part of the ocean rises and falls twice a day, causing two high tides and two low tides. When the Sun and Moon form a right angle with the Earth, their pulls counteract, causing small, or neap, tides. When they are in line, their pull is combined, creating large, or spring, tides.



SPRING TIDE

Moon's

orbit

Earth

large tidal

hulge

Moon's

gravitational mill

Sun's .

gravitational pull

by or affected by tides 2 (attrib) affected by tides (tidentater region).

tide-wave /tidwayv/ n. an undulation of water passing round the Earth and causing high and low tides. tide way /tidway/ n. I a channel in which a tide runs, esp. the tidal part of a river. 2 the ebb or flow in a tidal channel.

ti-dings /tidings/ n. (as sing or pl.) news; information. tidy /tidee/ adj., n., & to odj. (tidier, tidiest) 1 neat; orderly, methodically arranged. 2 (of a person) methodically inclined. 3 collog. considerable (it cost a bidy sum) . n. (pl. -ies) 1 a receptacle for holding small objects. 2 csp. Brit. an act or spell of tidying. 3 a detachable ornamental cover for a chair back, arms, etc. • no. (-ies. -ied) (also whol.) often foll, by up) put in good order; make (oneself, a room, etc.) tidy on ti-di-ly ada ti-di-ness n.

tic /ti/ a & n. o u (tying) I to a attach or fasten with string or cord, etc. (ii. the dog to the gate, tie his hands together; tied on a label; b tink conceptually 2 tr. a form (a string, ribbon, shoelace, necktie, etc.) into a knot or bow. b form (a knot or bow) in this way 3 tz restrict or limit (a person) as to conditions, popupation, place, etc. (is tied to his family, 4 intr. (often foll. by with achieve the same score or place as another competitor (they tied at an games each), 5 to hold (rafters, etc.) together by a crosspiece, etc. 6 m. Mus. a naire (written notes) by a tic. to normon, b perform (two notes) as one unbroken note. . n. I a cord, line, or chain, etc., used for fastening, 2 a strip of material worn round the collar and

TTE BEAM HOLDING

tied in a knot at the front with the ends banging down, 3 a thing that unites or restricts persons; a bond or obligation (fomily her, the of friendship).

4 a draw, dead heat, or equality of score among competiters. 5 Brit, a match between any pair from a group of competing players or teams. 6 (also tie beam, etc.) ► a mid or beam holding parts of a

7 Mus, a curved line above or below t same pitch indicating that they are to be play combined duration of their time values r 8 a beam laid horizontally as a support for rails. 9 a shoe tied with a lace. a fit to be fied very augry, tie down = m. n 3 above tie var of twope tie in (full, by with) bring in a close association or agreement, tie the kind

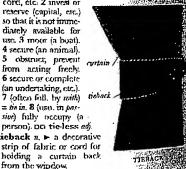
get married, tie up I bind or fasten secur cord, etc. 2 invest or reserve (capital, etc.) so that it is not immediately available for use 3 moor (a boat). 4 secure (an animal). 5 obstruct, prevent from acting freely.

6 secure or complete (an undertaking, etc.) 7 (often fall, by with) = se in. 8 (use, in passive) fully occupy (a

tieback n. > a decorative strip of fabric or cord for holding a curtain back from the window.

tied /IId/ adj. Brit 1 (of a house) occupied to the tenant's working for its owner 2 (14) etc.) bound to supply the products of ane are only.

tie-dye a a method of producti patterns by tying string, citi. in parts of the fabric from the dy tie-in n. I a connection or associated ten attrih) a form of sale or attri that offers or requires more thank purchase. 3 the joint promotion of commodities, etc. (e.g., a brok and tiepin /tipin/ a an ornamentilla clip for holding a tie in place tier /teer/ n. a vertical or sloped re or unit of structure of surrent



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